

**REMARKS**

This communication responds to the Office Action mailed June 4, 2004. In that Office Action, the Examiner rejected claims each of claims 1-22. Applicants respectfully disagree with the Examiner's rejections because none of the cited references, alone or in combination, disclose an elongated receiver portion having lugs provided at a location that is spaced apart from an opening thereof and is prior to the side ends, the lugs projecting generally outwardly and downwardly from the elongated receiver portion and providing a gripping surface. In this communication, claims 1-22 have been cancelled and new claims 23-42 have been added. Reconsideration is respectfully requested.

**Rejections under 35 U.S.C. § 102**

Claims 1, 2, 4, 8, 12, 13, 15 and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Design Patent No. 467,802 to Amundson. This rejection is traversed for the following reasons.

Amundson discloses an ornamental design for a bag closure device. Amundson does not disclose an elongated receiver portion having lugs provided at a location that is spaced apart from an opening thereof and is prior to the side ends, the lugs projecting generally outwardly and downwardly from the elongated receiver portion and providing a gripping surface.

Claim 23 explicitly requires:

an elongated receiver portion having at least one engagement aperture to receive the sealing member, the receiver portion having an opening extending along a length of the receiver portion, the opening being bracketed by first and second side ends of the receiver portion, the opening providing access to the engagement aperture, the receiver portion further having lugs that project generally outwardly and downwardly from the receiver

portion provided at a location that is spaced apart from the opening and is prior to the side ends, the lugs providing a gripping surface.

Claims 33 and 40 include similar language. As shown in the Figures of Amundson, Amundson discloses lugs extending upwardly from the receiver portion.

Thus, it is respectfully submitted that new claims 23, 33 and 40, for the reasons cited above, are patentable over Amundson. As each of the remaining claims depend either directly or indirectly from claims 23, 33 or 40, it is further submitted that each of these claims is patentable over Amundson. Thus, it is respectfully submitted that each of pending claims 23-42 is patentable over Amundson.

Claims 20-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Design Patent No. 264,689 to Miller. This rejection is traversed for the following reasons.

Miller discloses a bag fastener. As shown in the figures of Miller, Miller discloses a back fastener including a rod member and a receiving member. The receiving member includes a handle for gripping. Miller does not disclose an elongated receiver portion having lugs provided at a location that is spaced apart from an opening thereof and is prior to the side ends, the lugs projecting generally outwardly and downwardly from the elongated receiver portion and providing a gripping surface.

For at least the reasons cited above, it is respectfully submitted that each of pending claims 23-42 is patentable over Miller.

Rejections under 35 U.S.C. § 102

Claims 3 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Amundson in view of U.S. Patent No. 3,141,221 to Faulls, Jr. This rejection is traversed for the following reasons.

Fauls, Jr. discloses a closure device comprising two separate, interengaging and complementary members, either one or both of which is resilient so as to firmly grip and resiliently hold the ends of the bag therebetween. The closure includes an inner member or core of round cross-section and an outer member of generally U-shape cross-section having a pair of legs which terminate in a reinforcing or stiffening bead. The inner surface of the outer member is complementary to the cross-section of the core. The core thereby fits snugly within the outer member. The bag may easily be reopened without damage thereto by grasping the bag at one side and adjacent the closure, and then sliding the outer member lengthwise off the core and bag. The outer member of the Fauls, Jr. device cannot easily be gripped. Thus, the outer member is removed from the core by sliding the outer member lengthwise off the core. The present invention solves this problem with lugs providing a gripping surface for the user.

As neither Amundson nor Fauls, Jr., alone or in combination, disclose an elongated receiver portion having lugs provided at a location that is spaced apart from an opening thereof and is prior to the side ends, the lugs projecting generally outwardly and downwardly from the elongated receiver portion and providing a gripping surface, it is respectfully submitted that pending claims 23-42 are patentable over Amundson in view of Fauls.

Claims 5, 9-11 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Amundson in view of U.S. Application No. 10/223,647 to Vargas. This rejection is traversed for the following reasons.

Vargas discloses a snack food bag sealing apparatus. The sealing apparatus of Vargas comprises an elongate rod-shaped member, an elongate C-shaped clamp member for receiving the elongate rod-shaped member, the C-shaped member further having handle means for facilitating the engagement of the rod-shaped member into the C-shaped clamp member.

Neither Amundson nor Vargas, alone or in combination, disclose an elongated receiver portion having lugs provided at a location that is spaced apart from an opening thereof and is prior to the side ends, the lugs projecting generally outwardly and downwardly from the elongated receiver portion and providing a gripping surface. Thus, it is respectfully submitted that each of pending claims 23-42 is patentable over Amundson in view of Vargase

Claims 6-7 and 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Amundson in view of U.S. Patent No. 3,828,696 to Lockridge. This rejection is traversed for the following reasons.

Lockridge discloses a safety kneeboard. Neither Amundson nor Lockridge, alone or in combination, disclose an elongated receiver portion having lugs provided at a location that is spaced apart from an opening thereof and is prior to the side ends, the lugs projecting generally outwardly and downwardly from the elongated receiver portion and providing a gripping surface. Thus, it is respectfully submitted that each of pending claims 23-42 is patentable over Amundson in view of Lockridge.

**CONCLUSION**

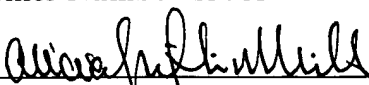
This application now stands in allowable form and reconsideration and allowance are respectfully requested.

Enclosed is a check in the amount of \$55.00 for the fee associated with the Petition for Extension of Period for Response of One-Month filed herewith.

Respectfully submitted,

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